

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TODD ROY GIBBONS,

Plaintiff,

v.

ROBERT MCKENNA, et al.,

Defendants.

No. 12-cv-5793-RBL

ORDER

(Dkt. #1)

Plaintiff has applied to proceed *in forma pauperis* in a suit alleging medical malpractice. The application states that Plaintiff is homeless and earns between \$50 and \$300 per month. The Complaint states that a variety of medical providers have acted negligently in treating Plaintiff's spina bifida. The Complaint fails, however, to specify any of the many Defendants' actions. Indeed, Plaintiff lodges claims against the Washington Attorney General, the State itself, the Department of Social and Health Services, numerous hospitals, social workers, nurses, doctors, and administrative personnel.¹

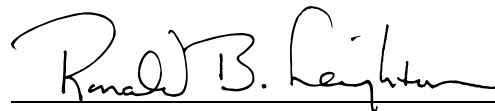
A district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The court has broad discretion in resolving the application, but "the privilege of proceeding *in forma pauperis* in civil actions for damages should be sparingly granted." *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir. 1963), *cert. denied* 375 U.S. 845 (1963). Moreover, a court should "deny leave to proceed

¹ The Court has requested that the docket list only the institutional defendants at this time due to the extreme administrative burden that would be incurred by ordering that all Defendants be listed. A complete list of the proposed Defendants can be found in the Complaint itself.

1 *in forma pauperis* at the outset if it appears from the face of the proposed complaint that the
2 action is frivolous or without merit.” *Tripathi v. First Nat’l Bank & Trust*, 821 F.2d 1368, 1369
3 (9th Cir. 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis*
4 complaint is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v.*
5 *Dawson*, 778 F.2d 527, 529 (9th Cir. 1985); *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir.
6 1984).

7 The Court cannot grant *in forma pauperis* with the Complaint formulated in its current
8 state. The Complaint fails to explain the presence of literally scores of Defendants. Moreover,
9 Plaintiff states only that Defendants failed to meet their standard of care; he does not explain
10 when or how. While the Court provides significant leeway to *pro se* parties, the Complaint fails
11 to put the proposed Defendants on notice of the factual basis for the suit. No Defendant could
12 possibly draft an answer to such a Complaint. The Court must therefore conclude that the
13 claims as drafted are frivolous. If Plaintiff wishes to proceed, he must either pay the filing fee or
14 re-apply for *in forma pauperis* status with a proposed Complaint that contains “a short and plain
15 statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2).
16 This statement must include the basic factual basis for the claims presented.

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19 Dated this 11th day of September 2012.

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22 Ronald B. Leighton
23 United States District Judge
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